

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

LINDA O'CONNOR)	Case Number
)	
Plaintiff,)	
)	
vs.)	CIVIL COMPLAINT
)	
NCO FINANCIAL SYSTEMS, INC.)	
)	JURY TRIAL DEMANDED
Defendant.)	
)	

COMPLAINT AND JURY DEMAND

COMES NOW, Plaintiff, LINDA O'CONNOR, by and through their undersigned counsel, Warren & Vullings, LLP, complaining of Defendant, and respectfully aver as follows:

I. INTRODUCTORY STATEMENT

1. Plaintiff is an individual consumer and brings this action for actual and statutory damages and other relief against Defendant for violations to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15. U.S.C. § 1692k(d) and 28 U.S.C. §1337.

3. Venue in this District is proper in that the Defendant's principal place of business is here and the Defendant transacts business here.

III. PARTIES

4. Plaintiff, Linda O'Connor ("Plaintiff"), is an adult individual and citizen of the State of Alaska, residing at 6740 Pebblebrook Circle, Anchorage, Alaska 99507.

5. Defendant, NCO Financial Systems, Inc. ("NCO" or "Defendant") had, at all times relevant to this complaint, its principal place of business located at 507 Prudential Road, Horsham, PA 19044.

6. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another, in this instance the alleged account was for Army/Air Force Exchange. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

7. In August, 2008, Plaintiff received a phone message from Defendant which stated they were calling "through the Army/Air Force Exchange". Defendant did not provide any mini-miranda warning in the phone message.

8. The call back phone number the agent left was 866-315-2497, extension 4076. The phone number the agents called to was 907-522-1253.

9. Plaintiff returned Defendant's call to find out what the message was about. Defendant's representative told the Plaintiff they were calling "through the Army/Air Force Exchange" and that they were calling to collect a debt allegedly owed by Plaintiff's daughter, Kayleigh O'Connor.

10. Kayleigh O'Connor does not live at Plaintiff's residence, but resides in Hawaii where she is attending school.

11. Plaintiff's daughter, Kayleigh O'Connor is not now nor has she ever been in the Armed Forces and has no knowledge of why Defendant would contact her mother about any alleged debt.

12. Kayleigh O'Connor has no knowledge of any outstanding debt.

13. The harassing, intimidating, deceptive and bullying behavior of the Defendant are violations of the FDCPA.

COUNT I

FDCPA VIOLATION 15 U.S.C. § 1692 et seq.

14. The above paragraphs are hereby incorporated herein by reference.

15. Defendant violated the FDCPA. Defendant's foregoing acts and omissions constitute violations of the FDCPA, including, but not limited to, violations of §§ 1692 b(1), b(2), c(a)(1), c(b), d, d(6), e, e(5), e(10), e(11), f, and g.

16. As a result of the foregoing violations of the FDCPA, Defendant is liable to Plaintiffs for a declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, attorney's fees and costs and other appropriate relief.

WHEREFORE, Plaintiff respectfully requests that this court enter judgment in its favor and against Defendant and Order the following relief:

- a. Declaratory judgment that the Defendant's conduct violated the FDCPA;
- b. Actual damages;
- c. Statutory damages pursuant to 15 U.S.C. §1692k;

d. Reasonable attorney's fees and costs of suit pursuant to 15 U.S.C. §1692k;
and

e. Such additional and further relief as may be appropriate or that the
interests of justice require.

V. JURY DEMAND

Plaintiffs hereby demand a jury trial as to all issues herein.

Respectfully submitted,

WARREN & VULLINGS, LLP

Date: 09/11/2008 **BY:** /s/ Brent F. Vullings
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